REMARKS/ARGUMENTS

Claims 1-32 are pending in the present application. In the Office action of December 9, 2008, claims 1, 2, 13-16, 20-25, 29, and 32 were rejected under 35 U.S.C. § 103(a) as being obvious in view of Fuchs (U.S. Patent No. 6,418,475) in view of Morris (U.S. Patent No. 5,058,185). Furthermore, claims 3-12, 17-19, 26-28, 30, and 31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fuchs in view of Morris and further in view of Jamroga (U.S. Patent No. 6,574,742).

I. Claim Amendments

Claim 1 has been canceled and replaced with new claim 33, per Applicant's interview with the Examiner on March 5, 2009. During said interview, Applicant discussed the invention as disclosed in the instant application and the language of claim 1, generally. Applicant proposed submitting a new claim to replace claim 1, in which this new claim would more clearly define the meaning of a "business rules processor" through its function and interaction with an image management system. Applicant respectfully acknowledges and thanks the Examiner for the indication that the amendments represented in new claim 33 would overcome the previously presented rejection of claim 1.

In general, new claim 33 finds support in the application as filed both in claim 1 and paragraphs [0035], [0045], [0059]-[0062], and [0066]. As such, new claim 33 does not constitute the addition of new subject matter.

Claims 2, 3, 7, and 13 have been amended to bring them into conformity with new independent claim 33. These amendments are merely clarifying in nature and, as such, do not constitute the addition of new matter.

Claim 16 has been amended to more clearly define the claimed image management system. These amendments are clarifying in nature and generally find

support in the application as filed in paragraphs [0059]-[0062] and [0066]. As such, the amendments to claim 16 do not constitute the addition of new matter.

Claim 20 has been amended to more clearly define the image management system of claim 16. Such an amendment generally finds support in the application as filed in paragraphs [0059]-[0062] and [0066]. As such, the amendments to claim 20 do not constitute the addition of new matter.

Claim 24 has been amended to more clearly define the claimed method for storing images produced by a plurality of medical imaging devices located in a healthcare enterprise. These amendments are clarifying in nature and generally find support in the application as filed in paragraphs [0059]-[0062] and [0066]. As such, the amendments to claim 24 do not constitute the addition of new matter.

Claims 25, 27, 29, 30, and 32 have been amended to bring them into conformity with amended claim 24. These amendments are merely clarifying in nature and, as such, do not constitute the addition of new matter.

II. Arguments

Applicant respectfully traverses the rejections proffered by the Office action by way of the amendments to the claims presented herein. Referring first to newly presented claim 33, neither Fuchs, Morris, nor Jamroga, whether taken alone or in combination, teach or suggest at least the following:

1.)   A message having a request category that includes at least one of a store category, a retrieve category, and a restore category. In general, each of these categories identify a set of stored rules that are employed by a business rules processor to intelligently manage images and patient information.

2.)   A processor, or business rules processor, that identifies a set of stored rules related to the request category in the message.

3.) A processor or business rules processor, that utilizes a set of stored rules related to the request category to process parameters extracted from metadata that includes information related to at least one of acquired image data, stored image data, and patient information.

4.) A processor, or business rules processor, that, for each rule that is evaluated as being satisfied, produces a reaction object. In general, such a reaction object directs the image management system to intelligently store, retrieve, and transfer both images and metadata over a plurality of storage and image producing devices.

Since Fuchs, Morris, and Jamroga, whether taken alone or in combination, fail to teach or suggest at least the foregoing features of the image management system called for in claim 33, it cannot be said that Fuchs, Morris, and Jamroga obviate claim 33. Thus, Applicant respectfully contends that claim 33 is in condition for allowance. Moreover, Applicant kindly acknowledges Examiner's appreciation that newly presented claim 33 is patentably distinguishable from Fuchs, Morris, and Jamroga, having indicated that the amendments presented in claim 33 would overcome the aforementioned rejection of claim 1.

The foregoing arguments apply *mutatis mutandis* to claims 16 and 24. Namely, these claims include at least the elements of a message that includes a request category and rules related to said request category that are selectively evaluated to guide the management of images. Thus, Applicant respectfully contends that amended claims 16 and 24 are patentably distinguishable from Fuchs, Morris, and Jamroga, since Fuchs, Morris, and Jamroga, whether taken alone or in combination, fail to teach or suggest at least the foregoing elements. Therefore, Applicant respectfully contends that claims 16 and 24 are in condition for allowance.

Claims 2-15 are dependent on claim 33, claims 17-23 are dependent on claim 16, and claims 25-32 are dependent on claim 24, and are all patentable for at least the
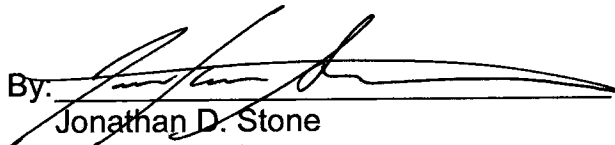
foregoing reasons and pursuant to the chain of dependency. Accordingly, their allowance is respectfully requested.

The Commissioner is authorized to charge any fees under 37 C.F.R. § 1.17 that may be due on this application to Deposit Account 17-0055. The Commissioner is also authorized to treat this amendment and any future reply in this matter requiring a petition for an extension of time as incorporating a petition for extension of time for the appropriate length of time as provided by 37 C.F.R. § 136(a)(3).

Respectfully submitted,

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